

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60093 of 2022

Arising Out of PS. Case No.-554 Year-2020 Thana- KATIHAR COMPLAINT CASE
District- Katihar

-
-
1. Ranjit Singh @ Rajiv Singh Son Of Baleshwar Singh R/O Laliyahi, P.S.- Sahayak, Distt.- Katihar
 2. Jyoti Kumari Wife Of Ranjit Singh @ Rajiv Singh R/O Laliyahi, P.S.- Sahayak, Distt.- Katihar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Subodh Kumar Thakur Son Of Late Saryun Thakur R/O Mohalla- Indira Nagar Laliyahi, P.S.- Sahayak, Distt.- Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Advocate
For the Complainant	:	Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 07-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable u/s 406 and 420/34 of the Indian Penal Code.

As per the prosecution case, the petitioners took Rs. 7 lakhs from the complainant as loan and assured to repay the same within three months. After expiry of three months, the complainant went to the house of the petitioners and demanded



aforesaid money but they refused to return the same to the complainant. Accordingly the present case has been instituted against the accused persons.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. Learned counsel further submitted that the petitioners have not taken any amount of money as a loan from the complainant. The petitioners have no criminal antecedent as stated at para 3 of the bail petition. It is a case of civil nature. Learned counsel for the petitioners placed reliance on the judgment in the case of **Bimla Tiwari vs. State of Bihar & Others (Special Leave Petition (CRL.) Nos. 834-835 of 2023)** at para 10, the Hon'ble apex court has held that "we would reiterate that the process of criminal law cannot be utilized for arm-twisting and money recovery, particularly while opposing the prayer of bail."

Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners. There was an agreement. As about agreement the petitioners have given 7 lakhs to the co-accused but they did not return, it is a breach of contract.

Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their



arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned Katihar in connection with CA Case No. 554 of 2020 subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

2. The court below shall verify the criminal antecedent of the petitioners and at any stage, if it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Chandra Prakash Singh, J)

guddukr/-

U		T	
---	--	---	--

